by the way, in § 457, notes 45 and 47, the wrong stage of *Keighley* v. *Durant* is twice cited as authoritative.

Again, § 99 deals in a useful manner with the "distinction between ratification and adoption." Yet § 118, on the ratification of forgery, seems wholly to miss the point.

Still again, in § 199 the "distinction between general and special agents" is repudiated with considerable discrimination. Yet §§ 461–462 deal very unsatisfactorily with the supposed election which excuses an undisclosed principal from action by a third party, and wholly fail to mention merger as an explanation of some of the cases; and, besides, other passages in the book fail to deal adequately with this perplexing subject of undisclosed principal; for example, § 538 inserts the misleading words "or had no means of knowing," which were repudiated by *Borries* v. *Imperial Ottoman Bank* (1873) L. R. 9 C. P. 38, and §§ 568–569 fail to specify the exceptions and limitations to the third party's power to hold the agent.

Finally, §§ 577–586 treat in a useful way the liability of the *quasi*-agent who acts without authority for a named *quasi*-principal. Yet § 588 treats very unsatisfactorily the measure of damages in that very case.

No doubt there is some explanation for this extraordinary unevenness; but no explanation can remove the necessity for care in using the book.

Some omissions have been discovered. For example, there seems to be no discussion of the curious question of known numerical limits, although the leading cases on that question, *Mussey* v. *Beecher* (1849) 3 Cush. 511, and *Barnes* v. *Ewing* (1866) 4 H. & C. 511, are cited as to other points. Nor is there mention of the fact that the doctrine of *Attwood* v. *Munnings* (1827) 7 B. & C. 278, as to signatures *per proc.*, has been embodied in the Negotiable Instruments Law.

It is unnecessary to give additional specifications as to the quality of this book, but it seems just to add that undoubtedly the authors and publishers are able to prepare a more thorough piece of work, and that they have produced such a book as this for no other reason than that the members of our profession have led them to believe that in a practitioner's book what is desired is not quality but quantity.

THE AMERICAN LAW RELATING TO INCOME AND PRINCIPAL. By Edwin A. Howes, Jr. Boston: Little Brown & Company. 1905. pp. xviii, 104.

Mr. Howes gives to trustees and laymen generally a concise and unembellished discussion of the rules governing the distribution of profits or losses where there exists a division of rights in property. To trustees and laymen generally, we say, because his work does not purport to deal theoretically with the difficult legal problems engendered by divided ownerships. His statements are confined to

the results of legal decisions. He clearly states the Massachusetts rule, for instance, concerning extraordinary dividends of corporations—if cash, they go to the life tenant, and if in the form of stock, to the remainderman. But of the theoretical difficulties with this rule and of its discriminating effects in application he scarcely speaks. Again, we looked through its pages in vain for a discussion of any distinction between legal and equitable life estates or remainders. The book supplies excellent up-to-date rules of action to the administrator. But to the lawyer, seeking principles and theories upon which he can work out results in cases presenting sets of facts varying from those upon which adjudications have already been made, it affords no assistance other than as a book of citations.

HINTS FOR FORENSIC PRACTICE. By T. F. C. Demarest. New York: The Banks Law Publishing Co. 1905. pp. x, 123.

This little book contains a useful and accurate summary of the decisions of the courts of New York in regard to certain points in practice and in the administration of the Law of Evidence, together with suggestions of the author by way of interpretation and criticism upon the holdings of the decisions, which seem to be both sensible and just. To more than this the book lays no claim.

The most unsatisfactory portion of the book is that part of the opening chapter which raises such questions as the proper definition of Evidence, and the relation of logic to "relevancy" and "admissibility." Perhaps it is not fair in a monograph of this kind to expect additional light on questions which have provoked so much discussion, still it would seem that we are entitled to something a little more definite than this after a discussion which cites from a large number of text writers and authorities: "But the principles of a deductive logic are not the sole guide of the judge or advocate, for the reason, already intimated, that positive municipal law has superimposed various, mainly exclusory, rules. The books are filled with reminders of the distinction between natural and judicial evidence, as also between logical and legal relevancy, but the observations there encountered are most frequently of a more or less vague and general character." p. 7.

It is submitted that in the monumental treatise of Professor Wigmore and in his sixteenth edition of Greenleaf, to which the learned author refers and in the late Professor Thayer's Preliminary Treatise on Evidence at the Common Law, to which no reference is made, the entire subject has lost the vagueness referred to. As Professor Thayer has so clearly shown (Thayer, Preliminary Treatise, ch. VI.) the main function of the law of evidence is to exclude logically probative evidence. And while it may still be a subject of contention whether or not it is a proper use of language to assert that there are some things logically relevant which are not legally relevant (See Thayer, Preliminary Treatise, ch. VI.; Wigmore, Evidence, sec. 27, *et seq.*) it is submitted that there is no basis for the suggestion lurking in the words "*mainly* exclusory" in the above quotation that anything can be legally relevant which is not logically relevant.